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Remarks

In further response to the Office Action of June 1, 2007, the Supplemental Amendment dated August 7, 2007, which was not entered, is submitted herewith, along with an RCE and a petition for a one month extension of time. Claims 1-5 remain for consideration.

Applicant will request an interview prior to a first action; the reason is that things previously agreed to and promised were not adhered to or provided.

Specifically, it was agreed at the interview held at the PTO on July 26, 2007 with the Examiner and PE Dah-Wei Yuan that the new claims were not distinct, and were not two different species from the claims already presented since all the claims read on all the species in the case; however, whether there was support for those claims was doubted and applicant was to provide evidence of that support; the claims were also denigrated due to certain words, which applicant was to cancel. Applicant did those things and yet the Amendment was not entered, even though the only amendments were those called for in the personal interview.

Having received a stock, standard, form of advisory action (amendment will require a search), with absolutely no reference to what was agreed to at the interview, the undersigned had a phone conversation with the Examiner on September 6, 2007 in which the Examiner notified the undersigned that she will call back to set an interview date. However, no call was ever made.

At the July 26 interview, it was tacitly agreed that no weight was given to the -132 Declaration filed with the previous response. It was agreed (see Interview Summary) that the -132 Declaration would be reconsidered. However, the Advisory Action did not refer to the Declaration at all.

The law concerning Declarations is set forth in the previous response and makes it clear that the Declaration sets forth facts under the penalties of perjury. In this case, the Declaration is simply setting forth that which is apparent in the references themselves.

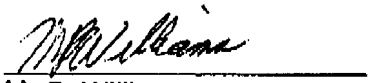
An interview is requested (probably by phone) to address the above issues.

With respect to the restriction and election requirements of claims 4 and 5, applicant hereby incorporates by reference the response dated July 23, 2007, in its entirety. Specifically, that there should be no restriction since applicant admits obviousness between the groups of claims and no election since there are no species read upon by one claim that are not also read upon by another claim. Further, that the prior art does not even hint at disconnecting the load in the event of no fuel exhaust, or in response to there being no fuel exhaust, applicant hereby incorporates by reference the July 23 response in its entirety.

It is submitted that the rejections could not have been pieced together without having the plan therefore be taken from this application itself. It is strongly suggested that the possibility of hindsight be considered carefully. Further, even if the pieces and parts to practice the invention may be found in the art, the issue is the invention as a whole (MPEP 2141.02).

To save the Examiner considerable time when this case is taken up, a short phone call is recommended should any issue herein still be unresolved. A few minutes on the phone could clarify a point, or result in a supplemental response which would further limit or dispose of issues. A five minute phone call can save the Examiner a lot of work. Such a phone call would be deeply appreciated.

Respectfully submitted,



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